

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

MARLEY H.,

Claimant,

vs.

SAN DIEGO REGIONAL CENTER,

Service Agency.

OAH No. 2011080301

DEFAULT DECISION

This matter was scheduled for hearing before Administrative Law Judge Roy W. Hewitt, Office of Administrative Hearings, at the San Diego Regional Center at 10:00 a.m. on October 17, 2011.

The San Diego Regional Center (agency) was represented by Ronald R. House, Esq.

No one appeared on claimant's behalf.

Claimant was served with a notice of hearing setting forth the date, time and place of the hearing. Several days before the hearing claimant's representative, his mother, was contacted telephonically and reminded that the hearing was scheduled for October 17, 2011. In response, claimant's mother said "I know." This matter concerns whether claimant is eligible for agency services and the burden is on claimant to diligently prosecute his appeal.¹ Consequently, it is found that claimant's representative was properly notified of the date, time and place of hearing and elected to abandon claimant's appeal.

¹ When claimant turned three years of age he was evaluated for services under the Lanterman Act. The agency determined that claimant was not eligible for services, claimant appealed, and the instant hearing ensued.

ORDER

Wherefore, the following Order is hereby made:

Claimant's appeal is dismissed.

DATED: October 18, 2011.

ROY W. HEWITT
Administrative Law Judge
Office of Administrative Hearings

Note: This is a final administrative decision pursuant to Welfare and Institutions Code section 4712.5(b)(2). Both parties are bound hereby. Either party may appeal this decision to a court of competent jurisdiction within 90 days.